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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YUJI SAKAEGI) Examiner: N. Vu RECEIVED
Appln. No.: 08/579,739) Group Art Unit: 2721 MAR 25 2002
Filed: December 28, 1995)
For: COMPUTER PERIPHERAL) DIRECTOR OFFICE
APPARATUS WITH POWER) TECHNOLOGY CENTER 2600
SUPPLY CONTROL) February 28, 2002

Commissioner for Patents
Washington, DC 20231

**PETITION TO WITHDRAW ABANDONMENT
HOLDING UNDER 37 CFR § 1.181(a) AND MPEP § 711.03(C)II**

Sir:

Applicant petitions the Commissioner to withdraw any holding of abandonment under 37 CFR § 1.181(a), acknowledge the pendency of the application, and continue the examination for the following reasons.

MPEP § 711.03(c) II states that where an Official Action has never been received by Applicant, a Petition To Withdraw Holding of Abandonment under 37 CFR § 1.181 is appropriate. This section of the MPEP also requires that to establish non-receipt of an Official Action, the practitioner must:

- state that the Office communication was not received by the practitioner;
- attest that a search of the file jacket and docket records indicates that the Office communication was not received; and
- attach a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed.

Accordingly, the undersigned states that the April 9, 2001 Office Action was not received, and that a search by the undersigned of the file jacket of the above-identified case and docket record indicates that the Office communication was not received. In addition, attached at Tab A is a copy of the official docket record for the law firm of Fitzpatrick, Cella, Harper, and Scinto for the period of April 9, 2001, the date the Office Action was mailed, through July 9, 2001, the date on which a reply to the Office Action was due. The docket record has been redacted so that only the information necessary to evidence non-receipt of the subject Office communication is presented. This docket record indicates that no application with application no. 08/579,739 was received by the law firm of Fitzpatrick, Cella, Harper, and Scinto during the aforesaid period of April 9, 2001 to July 9, 2001.

Since Applicant has satisfied the requirements of MPEP § 711.03(c), Applicant requests that the Commissioner withdraw the holding of abandonment of this case and revive this application, remail the Office Action dated April 9, 2001, and re-set the period for response thereto.

FEE

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any petition fee which may be due. However, since Applicants believe that the abandonment occurred through no fault of their own, no fee should be due.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

Michael Kondrack
Attorney for Applicant

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